

Image
1771



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Lawrence Zupon

Serial No.: 10/083,205

Group No.: 1771

Filed: February 26, 2002

Examiner: Ula Corinna Ruddock

For: REFLECTIVE INSULATION

Docket No.: 15-841

MAIL STOP NO FEE AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL FOR RESPONSE

1. Transmitted herewith is a response for approval by examiner for this application.

STATUS

2. Applicant is

XXX a small entity
_____ other than a small entity.


CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the "MAIL STOP NO FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313."

Patricia L. Tanner

(Type or print name of person mailing paper)

Date: March 19, 2004


(Signature of person mailing paper)

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37CFR 1.136 apply.

(complete (a) or (b) as applicable)

- (a) _____ Applicant petitions for an extension of time for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
_____ one month	\$ 110.00	\$ 55.00
_____ two months	410.00	205.00
_____ three months	930.00	465.00
_____ four months	1,450.00	7250.00

Fee \$ _____

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

_____ An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) XXX Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	Small Entity	Other than a Small Entity
Claims Remaining After Amendment	Highest No. Previously Paid for	Present EXTRA	Addit. Fee	Addit. Fee
TOTAL 20 MINUS 20 =		x 9 = \$	x 18 = \$	
INDEP. 6 MINUS 4 =	2	x 42 = \$42.00	x 84 = \$	
_____ First Presentation of Multiple Dep. Claim		x 125 = \$	x 250 = \$	
		Total \$42.00	or Total \$	

* If the Highest No. Previously Paid for in this space is less than 20, enter "20".

** If the Highest No. Previously Paid for in this space is less than 3, enter "3".

- (c) XXX No additional fee is required

OR

- (d) Total additional fee required \$ _____

FEE PAYMENT

5. ___ Attached is a check in the sum of \$___
 ___ Charge Account No. 23-0630 in the sum of \$___

Fee Deficiency

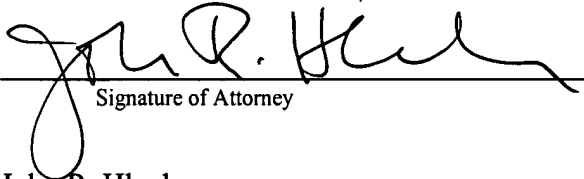
6. XXX If any additional extension and/or fee is required, this is the request therefor and to charge Account No. 23-0630

And/Or

XXX If any additional fee for claims is required, charge Account No. 23-0630.

Reg. No.: 29,076

Tel. No.: (216) 241-6700
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Signature of Attorney

John R. Hlavka

Type or Print Name of Attorney

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In Re Application of: Lawrence Zupon et al.

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on 3-19-04
By: *[Signature]*

RESPONSE

Dear Sir:

This is in response to the office action mailed December 19, 2003. In that office action, the examiner rejected claims 1-8 and 14-25, citing the '587 Beaupre patent, the '552 Ward et al. patent and the '124 Denenberg patent. On March 9, 2004 a telephone interview was conducted with Examiner Ruddock during which the rejections and prior art were discussed. The courtesies extended to the undersigned by Examiner Ruddock are acknowledge with appreciation.

As pointed out to the examiner, the invention disclosed and claimed in the subject application is a reflective insulation system that includes a vapor retarder material as part of its construction. As discussed with the examiner, the Beaupre patent merely illustrates a construction for a "vapor barrier."¹ In particular, Beaupre teaches a fire resistant vapor barrier that includes a vapor material attached to one side of insulation batting; whereas the Ward et al. patent teaches the use of a vapor barrier to support a layer of insulation between itself and the underside of a roof. Neither patent even remotely suggests an insulation system that includes a vapor barrier or vapor barrier material attached to one side of a layer of insulation and a reflective layer bonded to a second side of the insulation, as set out in claims 1-6, 16-17, 20-22 and 25. Based on the discussions with the examiner, it is believed that the above-identified claims distinguish over the cited patents and should be allowed.

¹As also discussed with the examiner, the terms "vapor barrier" and "vapor retarder" are used interchangeably in the industry to describe the commonly used material that inhibits the migration of moisture into an insulation layer.

The claims directed to the perforation of one of the layers of the claimed insulation system were also discussed in light of the '124 Denenberg patent. The Denenberg patent was cited for its showing of "an aluminum outer layer that has holes". As pointed out to the examiner, both the Beaupre and Ward et al. patents feature vapor barriers that are used to prevent the migration of moisture to an insulation batt. In the insulation applications described in the Beaupre and Ward et al patents, it is important that moisture not be allowed to enter and condense in the insulation layer. Perforating the vapor barrier layer disclosed in the Beaupre patent would render the material less effective or ineffective for the purpose it is intended to fill, i.e., insulating the wall of a metal building and the like, because moisture condensing in the insulation would reduce its effectiveness. Similarly, perforating the vapor barrier disclosed in the Ward et al. patent would allow moisture from the interior of a building to travel into the insulation and reduce its effectiveness. In short, neither Beaupre or Ward et al. would be led to perforate their vapor barriers in view of Denenberg, because that would produce undesirable effects. Accordingly, the construction set out in claims 7, 8, 14, 15, 18, 19, 23 and 24 are not rendered obvious by the combination of Beaupre, Ward et al. and Denenberg patents and should be allowable.

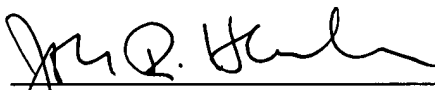
If, after considering the arguments set out above, the examiner concludes that the claims in the application do not adequately distinguish over the prior art, she is invited to call the undersigned to discuss further changes to the claims that would clarify the patentable distinctions between applicants' invention and the prior art.

In view of the foregoing discussion, it is respectfully submitted that the claims in the application are patentably distinct from the prior art and each from the other and this application is in condition for allowance. Prompt notice to that effect is earnestly requested.

Date: March 19, 2004

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Respectfully submitted,



John R. Hlavka
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